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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

IRWIN BERKOWITZ, Derivatively on)	No. C06-05353 JW (PVT)
Behalf of Nominal Defendant AFFYMETRIX,)	
INC.,)	
Plaintiff,)	STIPULATION AND [PROPOSED]
v.)	ORDER REGARDING EXTENSION FOR
)	FILING ANSWER OR OTHERWISE
STEPHEN P.A. FODOR, SUSAN E. SIEGEL,)	RESPONDING TO THE COMPLAINT
BARBARA A. CAULFIELD, GREGORY T.)	
SCHIFFMAN, RONALD D. VERDOORN,)	
EDWARD M. HURWITZ, VERNON A.)	
NORVIEL, KENNETH J. NUSSBACHER,)	
RICHARD PRAVA, JOHN A. YOUNG,)	
DAVID B. SINGER, VERNON R. LOUCKS,)	
JR., JOHN D. DIEKMAN and PAUL BERG,)	
Defendants,)	
and)	
AFFYMETRIX, INC.,)	
Nominal Defendant.)	

1 WHEREAS, Plaintiff Irwin Berkowitz ("Plaintiff Berkowitz") and Samuel D. Powers, the
2 plaintiff in Powers v. Fodor, et al., 06-cv-5634-PVT ("Plaintiff Powers") intend to file a motion to
3 consolidate this action and the Powers action;

4 WHEREAS, counsel for Plaintiff Berkowitz and Defendants have met and conferred and
5 have agreed to extend Defendants' time for filing an Answer or otherwise responding to Plaintiff
6 Berkowitz's Complaint; and

7 WHEREAS, the agreed-upon extension is not for the purpose of delay, promotes judicial
8 efficiency, and will not cause prejudice to any party.

9 THEREFORE, IT IS STIPULATED AND AGREED by Plaintiff Berkowitz and Defendants,
10 through their respective counsel of record, as follows:

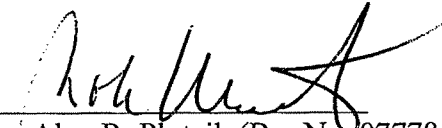
11 1. The time for Defendants to answer or otherwise respond to Plaintiff Berkowitz's
12 Complaint shall be extended until Plaintiff Berkowitz and Plaintiff Powers have filed a motion to
13 consolidate this action and the Powers action, and an Amended Complaint has been filed in the
14 consolidated action.

15 2. Upon either 1) consolidation of this action with the Powers action, or 2) the Court's
16 denial of a motion for consolidation of the two actions, counsel for Defendants will meet and confer
17 with counsel for the Plaintiffs in the consolidated action to determine a schedule for filing of the
18 Amended Complaint, filing of an answer or other response to the Amended Complaint, and a
19 briefing schedule for any motion filed in response to the Amended Complaint.
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1 IT IS SO STIPULATED.

2 DATED: October 10, 2006

3 BRAMSON, PLUTZIK, MAHLER &
4 BIRKHAUSER, LLP

5 By: 
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19 *Counsel for Plaintiff*

1 DATED: October 10, 2006

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2
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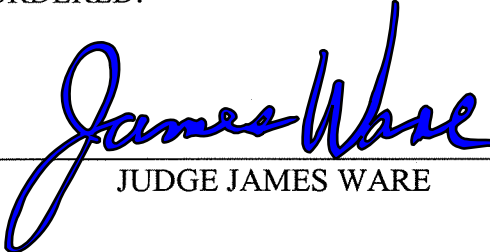
15 *Counsel for Defendants*

16 * * *

17 **ORDER**

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19 DATED: October 11, 2006

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21 JUDGE JAMES WARE
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STIPULATION REGARDING EXTENSION FOR FILING ANSWER
OR OTHERWISE RESPONDING TO THE COMPLAINT – Case No. C06-05353 JW (PVT)